

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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J.W

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,459 09/30/97 MORIKAWA T 05058/58201

<input type="checkbox"/>	<input type="checkbox"/>	EXAMINER
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LM31/1202

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POKRZYWA, J

ART UNIT	PAPER NUMBER
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2722

14

DATE MAILED:

12/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Advisory Action</b>	Application No. <b>08/941,459</b>	Applicant(s) <b>Morikawa, Takeshi</b>
	Examiner <b>Joseph Pokrzwa</b>	Group Art Unit <b>2722</b>

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a)  expires 6 months from the mailing date of the final rejection.
- b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Nov 23, 1999 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- The proposed amendment(s):
  - will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - will not be entered because:
    - they raise new issues that would require further consideration and/or search. (See note below).
    - they raise the issue of new matter. (See note below).
    - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The added limitations in claims 4, 13, 23, and 28, with the selection prohibiting controller "comparing the state of at least two frames, as determined by the state decision controller" and prohibiting selecting an inoperable mode based on the "result of said comparison" raises new issues (see attachment).

- Applicant's response has overcome the following rejection(s):  
\_\_\_\_\_

- Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
\_\_\_\_\_
- The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
  - Claims allowed: None
  - Claims objected to: 14-16 and 24-26
  - Claims rejected: 4-6, 13, 23, and 27-30

- The proposed drawing correction filed on \_\_\_\_\_ has  has not been approved by the Examiner.
- Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Other

  
**EDWARD L. COLES**  
**SUPERVISORY PATENT EXAMINER**  
**GROUPE 2700**

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## **DETAILED ACTION**

### *Advisory Action*

1. The period for response continues to run SIX MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee.

### *Response to Amendment*

2. The amendment filed 11/23/99 under 37 CFR 1.116 in response to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because:

The proposed amendment raises new issues that would require further consideration and/or search.

Regarding twice amended **claim 4**, the limitations of the selection prohibiting controller for “comparing the state of at least two frames, as determined by the state decision controller” and automatically prohibiting selecting an inoperable mode based on the “result of said comparison”, requires an additional search, as the addition of these limitations raises new issues.

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Regarding twice amended **claim 13**, the limitations of the selection prohibiting controller for “comparing the state of at least two frames, as determined by the state decision controller” and automatically prohibiting selecting an inoperable mode based on the “result of said comparison”, requires an additional search, as the addition of these limitations raises new issues.

Regarding twice amended **claim 23**, the limitations of the selection prohibiting controller for “comparing the state of at least two frames, as determined by the state decision controller” and automatically prohibiting selecting an inoperable mode based on the “result of said comparison”, requires an additional search, as the addition of these limitations raises new issues.

Regarding twice amended **claim 28**, the limitations of the selection prohibiting controller for “comparing the state of at least two frames, as determined by the state decision controller” and automatically prohibiting selecting an inoperable mode based on the “result of said comparison”, requires an additional search, as the addition of these limitations raises new issues.

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***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on (703) 305-4712. The fax phone number for this Group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700.

Joseph R. Pokrzywa

December 1, 1999

  
EDWARD L. COLES  
SUPERVISORY PATENT EXAMINER  
GROUP 2700